

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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PATRICK RANDELL MCINTOSH,

Case No. 23-CV-2695 (NEB/TNL)

Petitioner,

ORDER ACCEPTING REPORT AND  
RECOMMENDATION

v.

ERIC WILLIAMS, *Warden*,

Respondent.

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The Court has received the Report and Recommendation of United States Magistrate Judge Tony N. Leung. (ECF No. 11.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 11) is ACCEPTED;
2. The matter is DISMISSED WITHOUT PREJUDICE for lack of jurisdiction;  
and
3. Petitioner Patrick McIntosh's applications to proceed *in forma pauperis* (ECF Nos. 4, 9) is DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 22, 2024

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge